UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

GERALEX, INC., d/b/a GERALEX JANITORIAL SERVICES Employer

and Case 13-RC-106888

SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 1

Petitioner

and

INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL 727

Intervenor

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review. The Regional Director's determination that Intervenor Local 727's collective-bargaining agreement does not operate as a bar to Petitioner Local 1's representation petition, because Local 727 effectively disclaimed interest in representing the Employer's employees, is consistent with applicable precedent. See *VFL Technology Corp.*, 332 NLRB 1443, 1443 (2000).

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

KENT Y. HIROZAWA, MEMBER

Dated, Washington, D.C., September 12, 2013

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¹ Member Miscimarra joins in this order regarding the Regional Director's determination that the Employer's workforce represented a "substantial and representative" complement of employees. However, he would grant review and, for the reasons stated by Members Hurtgen and Schaumber in *VFL Technology Corp.*, 332 NLRB 1443, 1444-1445 (2000), and *Garden Manor Farms, Inc.*, 341 NLRB 192, 192-194 (2004), respectively, find that Intervenor Local 727's collective-bargaining agreement operated as a bar to Petitioner Local 1's representation petition notwithstanding Local 727's disclaimer of interest.